IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33939 of 2007(M)

PETITIONER:

VARUN RAJ, AGED 21 YEARS,
S/O. RAJENDRAN PILLAI,RAJAVALSAM VEEDU,
KAIPUZHA MURI,KULANADA VILLAGE,PATHANAMTHITTA DIST
REPRESENTED BY POWER OF ATTORNEY
HOLDER,PRASANNACHANDRAN PILLAI,
AGED 51 YEARS,S/O.RAMAKRISHNA PILLAI,KOUSTHUBHAM
PANANGAD P.O.,KULANADA VIA.,PATHANAMTHITTA DIST.

BY ADV. SRI.P.SANJAY

RESPONDENTS:

RAJESH KUMAR, AGED 29 YEARS,
S/O.P.O. NADESAN, VEMPALIL VEEDU,KRISHNAPURAM MURI
KRISHNAPURAM VILLAGE,KARTHIKAPPALLY TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 33939 OF 2007

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Dated this the 16th day of November, 2007.

J U D G M E N T

This writ petition is filed to direct the learned Munsiff, Adoor to dispose of I.A.1447/07 at the earliest and to grant an order of injunction restraining the respondent herein from making any further construction in item No.2 of the plaint schedule.

2. Heard the learned counsel for the writ petitioner. A perusal of the records would show that I.A.1447/07 has been filed on 26th October, 2007. Since there was a caveat the Court did not grant an order of injunction at that stage. Now, it is submitted that the defendants are trying to complete the construction and if it is achieved the very purpose of the suit will be defeated. Therefore, I direct the Court below to dispose of I.A.1447/07 as expeditiously as possible bearing in mind the mandate of Order 39 Rule 3A and also as there is urgency pass orders in this matter. The

Court must bear in mind, by the inaction of the Court the remedy in the suit should not be lost. Therefore, I direct the Court below to hear and dispose of the matter on 20.11.07 itself to which the case stands posted and if time is required for preparation of judgment, the Court may take one or two days thereafter for disposing the case.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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